

RECEIVED

DEC 30 2013

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC

FILED

DEC 30 2013

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY 12 DEP CLK

UNITED STATES DISTRICT COURT

2 PRINCESS STREET
WILMINGTON, NC 28401

No. _____

MICHAEL ALAN JOHNSON

v.

DETECTIVE J.S. PINNEY

DETECTIVE A. FREEMAN

MAGISTRATE W.R. WHITTED

THOMAS L. OLD

NEW HANOVER COUNTY, NC

STATE OF NORTH CAROLINA

NOW COMES MICHAEL ALAN JOHNSON, PLAINTIFF,
AND HEREBY PETITIONS THE COURT TO ALLOW HIM
TO PROCEED, IN PAUPERIS, TO FILE SUIT AGAINST
THE ABOVE-LISTED DEFENDANTS. PLAINTIFF MAKES
CLAIM THAT SAID DEFENDANTS DID, WILLFULLY, AND
WITH DISREGARD TO DUE PROCESS OF LAW, VIOLATE
THE CIVIL AND CONSTITUTIONAL RIGHTS OF
PLAINTIFF, THUS CAUSING PLAINTIFF IMPRISONMENT,
LOSS OF LIBERTY, MENTAL ANGUISH, AND LOSS OF
PROPERTY, THAT OTHERWISE WOULD NOT HAVE OCCURED
WITHOUT THE ILLEGAL AND NEGLIGENT ACTIONS

OF DEFENDANT(S).

THEREFORE, PLAINTIFF PRAYS THE COURT TO ALLOW HIM TO PROCEED WITH THIS MOTION, AND SEEK REMEDY AND DAMAGES IN THE AMOUNT(S) LISTED.

PLAINTIFF FURTHER ATTESTS THAT NO OTHER ACTIONS OR LAWSUITS HAVE BEEN BEGUN IN FEDERAL COURT INVOLVING THESE FACTS.

PARTIES

A. PLAINTIFF

MICHAEL ALAN JOHNSON 0211783

SS # 242-02-3192

PASQUOTANK CORRECTIONAL INSTITUTION

UNIT V

527 COMMENCE DRIVE

ELIZABETH CITY, NC 27906-5005

B. DEFENDANT

DETECTIVE J.S. PINNEY

POSITION: DETECTIVE

EMPLOYED AT: NEW HANOVER CO. SHERIFF DEPARTMENT

ADDRESS: 3950 JUVENILE CENTER ROAD

CASTLE HAYNE, NC 28429

CAPACITY: OFFICIAL

C. DEFENDANT: DETECTIVE A. FREEMAN

POSITION: DETECTIVE

EMPLOYED AT: NEW HANOVER COUNTY SHERIFF DEPT.

ADDRESS: 3950 JUVENILE CENTER ROAD

CASTLE HAYNE, NC 28429

D. DEFENDANT: W.R. WITTED

POSITION: MAGISTRATE

EMPLOYED AT: NEW HANOVER COUNTY SHERIFF DEPARTMENT

ADDRESS: 3950 JUVENILE CENTER ROAD

CHSTLE HAYNE, NC. 28429

CAPACITY: OFFICIAL

E. DEFENDANT: THOMAS L. OLO

POSITION: ASSISTANT DISTRICT ATTORNEY

EMPLOYED AT: NEW HANOVER COUNTY JUDICIAL BLDG.

ADDRESS: 104 PRINCESS STREET

P.O. BOX 2023

WILMINGTON, NC 28402-2023

CAPACITY: OFFICIAL

F. DEFENDANT: COUNTY OF NEW HANOVER, NC

G. DEFENDANT: STATE OF NORTH CAROLINA

REMEDIES SOUGHT:

DETECTIVE J.S. PINNEY - \$ 450,000
DETECTIVE A. FREEMAN - \$ 450,000
THOMAS L. OLO - \$ 750,000
WR WHITTED - \$ 45,000
NEW HAMPSHIRE COUNTY - \$ 900,000
STATE OF NORTH CAROLINA - \$ 300,000

ON MARCH 16, 2013, DETECTIVE J.S. PINNEY OF THE NEW HANOVER COUNTY SHERIFF'S DEPARTMENT, VICE AND NARCOTICS UNIT, RECEIVED A CALL FROM A CONCERNED CITIZEN WHO REPORTED THAT PLAINTIFF WAS GROWING MARIJUANA IN HIS HOME, AND THAT PLAINTIFF WAS A FELON.

ACTION UPON THIS INFORMATION, DETECTIVE PINNEY ATTEMPTED TO OBTAIN A WARRANT TO SEARCH THE PREMISES OF PLAINTIFF, BUT WAS DENIED SUCH WARRANT BY A NEW HANOVER COUNTY, N.C. MAGISTRATE. THIS DENIAL WAS BASED ON THE FACT THAT THE CONCERNED CITIZEN WHO MADE THE CALL HAD A PHONE NUMBER WITH AN AREA CODE AND PREFIX THAT IDENTIFIED IT AS BEING IN THE CITY OF OAKLAND, CALIFORNIA. THE CONCERN OF THE MAGISTRATE WAS WHY A PERSON, THAT WAS QUITE POSSIBLY LOCATED IN CALIFORNIA, WOULD BE CALLING TO REPORT INFORMATION ON A CITIZEN LOCATED IN NORTH CAROLINA. THIS REASON, COUPLED WITH LACK OF ANY OTHER PROOF OR EVIDENCE, LED THE MAGISTRATE TO DETERMINE THAT THERE WAS INSUFFICIENT PROBABLE CAUSE TO ISSUE A WARRANT, AND A SEARCH WARRANT WAS DENIED.

HOWEVER, ON MARCH 21, 2013, DETECTIVE PINNEY, ON HIS OWN INITIATIVE, TOOK IT UPON HIMSELF TO APPROACH THE PLAINTIFF, AT THE PLAINTIFF'S PRIVATE RESIDENCE, WITHOUT A WARRANT OR JUST CAUSE, TO SEE WHAT 'INFORMATION' HE COULD OBTAIN. AT

THIS POINT, PINNEY ENTERED INTO A CONSPIRACY WITH DETECTIVE A. FREEMAN TO TRY AND OBTAIN INFORMATION AND OR EVIDENCE AT THE PRIVATE RESIDENCE OF PLAINTIFF, KNOWING SUCH ACTION TO BE IMPROPER AND WITHOUT DUE PROCESS OF LAW, THUS VIOLATING PLAINTIFF'S RIGHT TO PRIVACY. ON MARCH 21, 2013, AT 7:15 PM (OFFICERS STATE THIS TO BE 8:15 PM), DETECTIVES PINNEY AND FREEMAN ARRIVED AT 4307 PARMELE ROAD, LOT 18, CASTLE HAYNE, NC, THE SAME BEING THE RESIDENCE OF PLAINTIFF.

DETECTIVES THEN PROCEEDED TO TRESPASS UPON THE PRIVATE PROPERTY OF PLAINTIFF, LOOKING INTO WINDOWS, WALKING AROUND BUILDINGS, VEHICLES AND OTHER PRIVATE PROPERTY, WITHOUT A WARRANT OR PERMISSION OF PLAINTIFF.

AFTER DETECTIVES FINISHED SEARCHING THE OUTSIDE OF THE RESIDENCE, THEY THEN KNOCKED ON THE FRONT DOOR, AND NOTIFIED PLAINTIFF THAT THEY WERE OFFICERS OF THE NEW HAMPSHIRE COUNTY SHERIFF'S DEPARTMENT. THE OFFICERS FURTHER STATED TO PLAINTIFF THAT THEY WANTED TO TALK TO HIM, AND ALSO COME INSIDE PLAINTIFF'S HOME SO THAT THEY COULD LOOK THROUGH HIS HOUSE.

PLAINTIFF IMMEDIATELY ASKED THE OFFICERS TO PRODUCE A WARRANT, PRIOR TO ENTRY OR QUESTIONING. OFFICER PINNEY THEN STATED TO PLAINTIFF THAT THEY HAD NO WARRANT, AND THAT THEY DID NOT NEED

A WARRANT. PINNEY STATED THAT THE OFFICERS HAD PROBABLE CAUSE AND COULD THEREFORE SEARCH THE RESIDENCE WITHOUT A WARRANT, AND THAT BY LAW, PLAINTIFF WAS OBLIGED TO ALLOW THE OFFICERS TO SEARCH.

PLAINTIFF THEN, CLEARLY AND CONCISELY STATED TO OFFICERS THAT HE (PLAINTIFF) DID NOT, IN ANY WAY, CONSENT TO ANY SEARCH OF HIS PERSON OR PROPERTY WITHOUT A WARRANT, AND FOR THE OFFICERS TO GO AND GET A WARRANT IF THEY INDEED WANTED TO SEARCH. PLAINTIFF THEN MADE IT CLEAR THAT NO FURTHER DISCUSSION WOULD BE MADE, OR NO ENTRY OR SEARCH ALLOWED WITHOUT SUCH A WARRANT, AND EXPRESSLY CONVEYED TO OFFICERS THAT THEY WERE TO REMOVE THEMSELVES FROM PLAINTIFF'S PRIVATE PROPERTY AT ONCE, AND NOT TO RETURN UNLESS AND WITHOUT A WARRANT.

OFFICER PINNEY THEN STATED THAT THE OFFICERS WERE GOING TO SEARCH PLAINTIFF'S PROPERTY, WITHOUT A WARRANT, WHETHER PLAINTIFF GAVE PERMISSION TO DO SO OR NOT.

AT THIS POINT, PLAINTIFF ONCE AGAIN REFUSED ENTRY TO OFFICERS, AND STARTED TO CLOSE THE DOOR OF HIS HOUSE, AS THE OFFICERS HAD NO WARRANT FOR ARREST, OR WARRANT TO SEARCH THE PREMISES.

THEN, WHILE PLAINTIFF WAS IN THE PROCESS

OF SHUTTING HIS DOOR, OFFICER PINNEY FORCED ENTRY INTO THE HOUSE, DAMAGING BOTH THE DOOR AND THE DOOR CASING OF THE PLAINTIFF'S HOUSE.

PLAINTIFF IMMEDIATELY PICKED UP HIS CELL PHONE IN AN ATTEMPT TO CONTACT HIS ATTORNEY. OFFICER PINNEY ASKED PLAINTIFF WHO HE WAS CALLING, AND PLAINTIFF INFORMED OFFICER PINNEY THAT HE WAS CALLING HIS ATTORNEY, A MR. JOHN COLLINS, AND ONCE AGAIN REQUESTED THAT THE OFFICERS LEAVE HIS (PLAINTIFF'S) PREMISES.

THE OFFICERS REFUSED TO LEAVE. OFFICER FREEMAN HAD ALREADY BEGUN TO SEARCH INSIDE THE RESIDENCE, AND WAS WALKING THROUGH THE HOUSE LOOKING IN THE ROOMS. OFFICER PINNEY REMAINED IN THE ROOM WITH PLAINTIFF, AND PINNEY CONTINUED TO TRY AND PERSUADE PLAINTIFF NOT TO CALL HIS ATTORNEY. WHEN THIS FAILED, OFFICER PINNEY ORDERED PLAINTIFF TO PUT DOWN HIS CELL PHONE. OFFICER PINNEY AGAIN TOLD PLAINTIFF THAT HE (PLAINTIFF) HAD NO NEED TO TALK TO AN ATTORNEY, AND THAT PLAINTIFF ONLY NEEDED TO TALK TO OFFICERS, AND THAT IF HE DID SO, THAT 'EVERYTHING WOULD BE OKAY'.

PLAINTIFF THEN TOLD OFFICER FREEMAN THAT HE HAD NO RIGHT TO BE LOOKING AROUND OR SEARCHING THE HOUSE, AND FOR HIM AND OFFICER PINNEY TO LEAVE THE PREMISES AT ONCE. FREEMAN LAUGHED

AT THIS, AND TOLD PLAINTIFF 'TOO LATE NOW, WE'RE ALREADY INSIDE', AND CONTINUED TO SEARCH.

PLAINTIFF AGAIN STERNLY TOLD OFFICERS THAT HE WOULD NOT TALK TO THEM WITHOUT AN ATTORNEY PRESENT. PLAINTIFF THEN STATED THAT HE (PLAINTIFF) THOUGHT THAT HE HAD A RIGHT TO HAVE AN ATTORNEY PRESENT DURING QUESTIONING AND WHILE OFFICERS WERE SEARCHING THE PREMISES. PINNEY THEN TOLD PLAINTIFF THAT HE WAS NOT UNDER ARREST, AND THEREFORE DID NOT HAVE THE RIGHT TO HAVE AN ATTORNEY PRESENT, OR NO SUCH RIGHT TO CALL AN ATTORNEY. FREEMAN THEN STATED FROM A NEARBY ROOM "YOU GAVE UP ALL YOUR RIGHTS WHEN WE WALKED THROUGH YOUR DOOR". FREEMAN AND PINNEY THEN LAUGHED AT THIS.

PLAINTIFF TRIED ONCE AGAIN TO PICK UP HIS CELL PHONE AND CALL HIS ATTORNEY, AT WHICH POINT OFFICER PINNEY PHYSICALLY AND FORCEFULLY TOOK PLAINTIFF'S CELL PHONE FROM HIM, AND TOLD THE PLAINTIFF THAT HE (PLAINTIFF) COULD NOT MAKE ANY CALLS; AS PINNEY THOUGHT PLAINTIFF MIGHT BE CALLING HIS 'DRUG BUDDIES' TO HELP HIM ESCAPE, AND FOR THE SAFETY OF THE OFFICERS, THE OFFICERS COULD NOT ALLOW PLAINTIFF TO MAKE ANY CALLS. IT IS NOW OBVIOUS THAT THIS WAS A PLOY UTILIZED TO DENY PLAINTIFF HIS RIGHT TO CONTACT COUNSEL.

AT ABOUT THIS TIME, OFFICER FREEMAN ENTERED THE ROOM WHERE DETECTIVE PINNEY AND PLAINTIFF WERE, AND STARTED TELLING PLAINTIFF THAT HE (PLAINTIFF) ONLY NEEDED TO COOPERATE WITH POLICE, AND THAT INDEED IF PLAINTIFF COOPERATED WITH OFFICERS, THAT "THINGS WOULD GO EASY ON HIM". (MEANING THE PLAINTIFF.)

PLAINTIFF ONCE AGAIN STATED THAT HE WANTED OFFICERS TO PRODUCE A WARRANT OR "GET OUT", AND THAT PLAINTIFF WANTED TO SPEAK TO HIS ATTORNEY BEFORE TALKING TO POLICE, OR BEFORE OFFICERS ATTEMPTED TO SEARCH THE PREMISES.

PINNEY ONCE AGAIN STATED THAT THEY (OFFICERS) DID NOT NEED A WARRANT, AND THAT OFFICERS WERE GOING TO SEARCH PLAINTIFF'S RESIDENCE, WHETHER PLAINTIFF "LIKED IT OR NOT".

OFFICERS THEN PROCEEDED TO SEARCH PLAINTIFF'S HOUSE, AGAINST PLAINTIFF'S WILL, AND FOUND NUMEROUS MARIJUANA PLANTS AND GROWING EQUIPMENT. AFTER THE PREMISES WERE SEARCHED, AND THIS EQUIPMENT AND THE PLANTS WERE SEIZED AND REMOVED, DETECTIVE PINNEY PRODUCED A WRITTEN WAIVER FOR PLAINTIFF TO SIGN, GIVING OFFICERS PERMISSION TO SEARCH PLAINTIFF'S HOUSE AND PROPERTY. PLAINTIFF REFUSED TO SIGN SAID DOCUMENT, AND ASKED OFFICER PINNEY WHY HE WANTED HIM (PLAINTIFF) TO SIGN THIS WAIVER,

IF THE OFFICERS HAD PROBABLE CAUSE TO SEARCH THE PREMISES WITHOUT A WARRANT?

AT THIS POINT, PINNEY BECAME ENRAGED, AND BOTH OFFICERS BECAME VERBALLY ABUSIVE AND BELLIGERENT. FOR ABOUT THE NEXT HOUR OR MORE, BOTH OFFICERS EMPLOYED THREATS AND ABUSIVE AND AGGRESSIVE LANGUAGE TO COMPERCE PLAINTIFF TO SIGN THE CONSENT FORM TO ALLOW THE RESIDENCE TO BE SEARCHED, EVEN THOUGH THAT, AT THIS TIME, A SEARCH OF THE HOUSE HAD ALREADY BEEN COMPLETED.

MANY THREATS WERE LEVELED AT PLAINTIFF SUCH AS, IF PLAINTIFF DID NOT SIGN THE CONSENT FORM, THAT THE OFFICERS WOULD ARREST HIM, AND SET BOND SO HIGH THAT THE PLAINTIFF WOULD "NEVER GET OUT OF JAIL", OR THAT THE OFFICERS WOULD "MAKE LIFE HARD" ON PLAINTIFF IF HE REFUSED TO SIGN.

CONVERSELY, OFFICERS MADE STATEMENTS SUCH AS IF PLAINTIFF DID SIGN THE CONSENT FORM, THAT THE POLICE AND COURT WOULD "GO EASY ON HIM", AND THAT PLAINTIFF WOULD STAY OUT OF JAIL, ETC.

IN THE PRESENCE OF SUCH SUSTAINED HARASSMENT, THREATS, INTIMIDATION AND COMERCION, AND THE INABILITY OF PLAINTIFF TO OBTAIN ADVICE OR SEEK DIRECTION FROM LEGAL COUNSEL (DUE TO TACTICS OF OFFICERS), PLAINTIFF RELUCTANTLY SIGNED THE

CONSENT FORM. WITH THE PREMISES HAVING ALREADY BEEN SEARCHED, AND WITH OFFICERS DENYING PLAINTIFF ANY CONTACT WITH HIS ATTORNEY, AND FAILING TO PROVIDE PLAINTIFF WITH ANY NOTIFICATIONS OF HIS MIRANDA RIGHTS, PLAINTIFF DID NOT KNOW WHAT HIS RIGHTS OR OPTIONS UNDER THE LAW WERE. IT IS NOW ABUNDANTLY CLEAR THAT HAD PLAINTIFF KNOWN THAT HE HAD SUCH RIGHTS, SUCH AS TO HAVE AN ATTORNEY PRESENT, OR TO REFUSE SEARCH, THE OUTCOME OF THIS EVENT WOULD HAVE BEEN DRASTICALLY ALTERED.

HOWEVER, AS IT WAS, PLAINTIFF HAVING ONLY THE WORD OF, AND INFORMATION PROVIDED BY, OFFICERS CONFRONTING PLAINTIFF, AND PLAINTIFF HAVING TO REASONABLY BELIEVE THAT SUCH INFORMATION FROM OFFICERS WOULD BE TRUE AND IN ACCORDANCE WITH LEGAL AND CONSTITUTIONAL GUIDELINES, AND IN OBEYENCE TO THE VERY SELF-SAME LAW THAT SAID OFFICERS WERE HIRED TO PROTECT AND SWORN TO UPHOLD, PLAINTIFF BELIEVED THAT HE HAD NO CHOICE BUT TO TRUST OFFICERS, AND COMPLY WITH WHAT HE (PLAINTIFF) BELIEVED TO BE A LEGAL ACTION.

BY OFFICERS OWN TESTIMONY, AS STATED IN DISCOVERY, OFFICERS THEMSELVES STATE THAT THEY ARRIVED INITIALLY AT PLAINTIFF'S RESIDENCE AT 8:15 PM (PLAINTIFF AVERES THAT THE ACTUAL TIME

WAS 7:15 PM); THAT PLAINTIFF SIGNED A CONSENT TO SEARCH HOME AT 8:19 PM, THAT OFFICERS WENT TO PLAINTIFF'S BUSINESS AT 9:34 PM, AND THAT A GENERAL RIGHTS FORM (MIRANDA) WAS PRESENTED TO PLAINTIFF FOR HIM TO SIGN AT 9:55 PM.

IT IS CRITICAL TO NOTE THAT ONLY AFTER 2 1/2 HOURS OF QUESTIONING, SEARCHING, AND SIGNING DOCUMENTS, AND ONLY AFTER OFFICERS ALREADY OBTAINED ALL THE INFORMATION AND EVIDENCE THEY WERE SEEKING, DID OFFICERS INFORM PLAINTIFF OF HIS MIRANDA RIGHTS.

SUCH TACTICS AND DELAY IN PRESENTATION OF NOTICE OF MIRANDA TO PLAINTIFF, AND SUBSEQUENT ILLEGAL SEARCH AND SEIZURE OF PLAINTIFF'S PROPERTY, CLEARLY SHOW THE INTENT OF OFFICERS PINNEY AND FREEMAN TO CONSPIRE TO DEPRIVE PLAINTIFF OF HIS CONSTITUTIONAL AND MIRANDA RIGHTS.

NOT ONLY WAS PLAINTIFF'S RIGHT TO PRIVACY VIOLATED, BUT ALSO HIS RIGHT TO PROTECTION FROM ILLEGAL AND UNWARRANTED SEARCH AND SEIZURE WITHOUT DUE PROCESS, BUT ALSO HIS CONSTITUTIONAL RIGHT TO LEGAL COUNSEL WAS IGNORED AND VIOLATED.

PLAINTIFF WAS NOT IMMEDIATELY ARRESTED. ON APRIL 15, 2013, PLAINTIFF WAS INDEED ARRESTED ON NUMEROUS CHARGES STEMMING FROM THE ILLEGAL

SEARCH MADE BY OFFICERS ON MARCH 21, 2013, AND THE DISCOVERY OF MARIJUANA ON THE PREMISES.

ALSO INCLUDED IN THESE CHARGES WAS A CHARGE OF POSSESSION OF A FIREARM BY FELON. IT WAS LATER CLAIMED THAT A FIREARM WAS FOUND AT THE RESIDENCE OF PLAINTIFF. DURING THE ILLEGAL SEARCH PERFORMED ON MARCH 21, 2013, PLAINTIFF KNEW NOTHING OF THIS UNTIL HE WAS CHARGED ON APRIL 15. PLAINTIFF HELDS THAT NO MENTION OF A FIREARM WAS EVER MADE DURING THE SEARCH, NOR WAS PLAINTIFF EVER TOLD OF OR SHOWN ANY SUCH FIREARM DURING THE SEARCH.

IN ADDITION, THE SERIAL NUMBER OF THE FIREARM IN QUESTION, AS STATED BY DETECTIVES ON NUMEROUS DOCUMENTS, REPORTS AND WARRANTS, IS MHØ15737. PLAINTIFF HAS NEVER OWNED OR HAD IN HIS POSSESSION ANY SUCH FIREARM.

FURTHERMORE, ACCORDING TO COLT MANUFACTURING COMPANY, (THE MANUFACTURER OF THE FIREARM IN QUESTION AS STATED BY DETECTIVES) NO SUCH FIREARM WAS EVER MANUFACTURED BY THEIR COMPANY WITH THAT SERIAL NUMBER.

IT IS THE ASSERTION OF THE PLAINTIFF THAT NO SUCH GUN EXISTS, NOR INDEED EVER DID EXIST, AND THAT THIS EVIDENCE, AND THE CHARGE SET FORTH BASED ON IT, WAS FALSELY AND FRAUDULENTLY MANUFACTURED BY DETECTIVES TO

INTIMIDATE AND COERCE PLAINTIFF.

PLAINTIFF AVERES THAT THIS MANUFACTURE OF EVIDENCE FURTHER ATTESTS TO THE CONSPIRACY BETWEEN DETECTIVES PINNEY AND FREEMAN AGAINST PLAINTIFF.

ON APRIL 15, 2013, AFTER PLAINTIFF WAS OFFICIALLY ARRESTED ON CHARGES IN CONNECTION WITH THIS EVENT, PLAINTIFF WAS PLACED IN CUSTODY OF THE NEW HAMPSHIRE COUNTY JAIL. PLAINTIFF WAS BROUGHT BEFORE THE MAGISTRATE ON DUTY, W. R. WHITTED. DETECTIVES PINNEY AND FREEMAN REQUESTED WHITTED TO PLACE PLAINTIFF UNDER A HIGH BOND. MAGISTRATE WHITTED THEN PLACED PLAINTIFF UNDER AN EXCESSIVE AND UNREASONABLE BOND OF \$100,000⁰⁰. MAGISTRATE WHITTED SET THIS BOND, KNOWING SAME TO BE EXCESSIVE, UNUSUAL AND UNREALISTIC TO BENEFIT OFFICERS PINNEY AND FREEMAN AND THUS VIOLATING PLAINTIFF'S RIGHT TO A REASONABLE BOND UNDER THE CONSTITUTION OF THE UNITED STATES.

THE DAY FOLLOWING PLAINTIFF'S ARREST, A FRIEND OF PLAINTIFF ATTEMPTED TO POST BOND FOR PLAINTIFF. OFFICER PINNEY WAS SOMEHOW MADE AWARE OF THIS, AND CONFRONTED THIS PERSON (WHO WAS IN NO WAY INVOLVED IN CRIMINAL ACTIVITY). PINNEY STATED TO THIS PERSON THAT IF HE MADE ANY ATTEMPT TO ASSIST PLAINTIFF IN MAKING BAIL, THAT PINNEY WOULD CHARGE HIM WITH THE

SAME CRIMINAL CHARGES SET AGAINST PLAINTIFF.

THIS PERSON, IN FACE OF SUCH THREATS AND INTIMIDATION, CEASED IN HIS ATTEMPT TO ASSIST PLAINTIFF IN MAKING BAIL, EVEN THOUGH SUCH ASSISTANCE WAS IN ACCORDANCE WITH LEGAL AND PROPER DUE PROCESS OF LAW.

THIS ACTION, ON BEHALF OF OFFICER PINNEY, EFFECTIVELY PREVENTED PLAINTIFF FROM BEING RELEASED ON BAIL, AND THEREFORE DEPRIVED PLAINTIFF OF HIS LEGAL RIGHT TO MAKE BAIL. SUCH ACTION WAS DELIBERATE, AND CALCULATED BY OFFICER PINNEY FOR THE SOLE PURPOSE OF PREVENTING PLAINTIFF FROM UTILIZING HIS CONSTITUTIONAL RIGHT TO POST BOND. IN ADDITION, OFFICER PINNEY FURTHER TOLD THIS PERSON TO STAY AWAY FROM THE PLAINTIFF, AND NOT TO SPEAK TO PLAINTIFF OR TO HELP HIM IN ANY WAY.

OVER THE PERIOD OF THE NEXT SEVERAL MONTHS, PLAINTIFF ATTEMPTED IN VARIOUS WAYS TO POST BOND. AS PLAINTIFF'S MAIN AVENUE OF ASSISTANCE IN POSTING BAIL (THROUGH HIS FRIEND) WAS THWARTED BY OFFICER PINNEY, PLAINTIFF HAD TO SEEK A BOND REDUCTION HEARING IN ORDER TO HAVE BOND REDUCED SO THAT HE COULD MAKE BOND.

NUMEROUS TIMES, PLAINTIFF, ALONG WITH HIS COURT-APPOINTED ATTORNEY, TRIED TO REQUEST A

BOND HEARING, EACH TIME SUCH A HEARING WAS REQUESTED, THE ASSISTANT DISTRICT ATTORNEY HANDLING THE CASE, MR. THOMAS L. OLD, LEVELED THREATS TO PLAINTIFF'S ATTORNEY TO PREVENT SUCH A HEARING, AND THEREFORE PREVENT PLAINTIFF FROM POSTING BOND.

THREATS SUCH AS IF PLAINTIFF PURSUED A HEARING, OR IF PLAINTIFF TRIED TO POST BAIL IN ANY WAY, THAT THE ASSISTANT DISTRICT ATTORNEY, THOMAS OLD, WOULD REQUEST THAT THE AMOUNT OF BOND BE DOUBLED OR INCREASED. ANOTHER THREAT WAS THAT PLAINTIFF WOULD BE CHARGED WITH ADDITIONAL CRIMINAL CHARGES IF ANY ATTEMPT TO MAKE BOND WAS MADE.

CLEARLY, THIS WAS A PLOY TO PREVENT PLAINTIFF FROM POSTING BAIL, AND THUS REMAIN IN JAIL. IT WAS INITIATED BY PINNEY, AND FOLLOWED UP BY ASSISTANT DISTRICT ATTORNEY THOMAS OLD. AT THIS POINT, OLD ENTERED INTO THE CONSPIRACY WITH OFFICERS PINNEY AND FREEMAN TO DEPRIVE PLAINTIFF OF HIS ABILITY TO MAKE BOND, THUS VIOLATING PLAINTIFF'S CONSTITUTIONAL RIGHT TO A REASONABLE BOND.

THIS ACTION BY OLD TO PREVENT PLAINTIFF FROM MAKING BAIL, EVENTUALLY DEVELOPED INTO A TACTIC WITH WHICH OLD USED TO COERCE PLAINTIFF INTO ACCEPTING A PLEA THAT PLAINTIFF

DID NOT WISH TO ENTER, NOR WAS SUCH A PLEA IN THE BEST INTEREST OF THE PLAINTIFF. HOWEVER, IT WAS OBVIOUS THAT, UNLESS PLAINTIFF ACCEPTED SUCH A PLOT OFFERED BY OLD, THAT PLAINTIFF COULD REASONABLY ASSUME THAT HE (PLAINTIFF) COULD, AND WOULD, REMAIN IN JAIL INDEFINITELY.

THIS ACT WAS DELIBERATE, AND CALCULATED AND UTILIZED BY OLD, WHO WAS SANCTIONED BY NEW HAMPSHIRE COUNTY AND THE STATE OF NORTH CAROLINA ITS A ONLY APPOINTED ASSISTANT DISTRICT ATTORNEY, WILLFULLY AND KNOWINGLY TO BE IN VIOLATION OF PLAINTIFF'S CONSTITUTIONAL RIGHT TO A REASONABLE BOND, AND AGAINST DUE PROCESS OF LAW.

AFTER APPROXIMATELY 6 MONTHS OF INCARCERATION, AND THE INABILITY OF PLAINTIFF TO MAKE BOND DUE TO THE INTERFERENCE OF OFFICERS AND ASSISTANT DISTRICT ATTORNEY OLD, PLAINTIFF REQUESTED THE COURT TO REPLACE HIS COURT-APPOINTED COUNSEL. HOWEVER, PLAINTIFF FAIRED NO BETTER WITH THIS NEW ATTORNEY, AND THE BLOCKING OF PLAINTIFF'S ATTEMPT TO MAKE BAIL WERE CONTINUED BY OLD.

EVENTUALLY, AFTER A FEW MORE MONTHS OF IMPRISONMENT, AND THE EFFECTIVE DENIAL OF BOND BY OLD, THREATS AND COERCION BY THE

POLICE AND OLO, PLAINTIFF REALIZED THE UTTER FUTILITY OF HIS POSITION; THAT THE ASSISTANT DISTRICT ATTORNEY, THE STATE OF NORTH CAROLINA, AND NEW HANOVER COUNTY WERE GOING TO FORCE HIM TO PLEA IN ACCORDANCE WITH THEIR WISHES, OR PLAINTIFF'S IMPRISONMENT AND MENTAL ANGUISH WOULD CONTINUE.

PLAINTIFF REASONABLY FELT THAT HIS SOLE OPTION WAS TO ACCEPT SUCH A PLEA, IN ORDER TO RELEASE HIMSELF FROM THE PRESSURES AND CONSTRAINTS OF THE NEW HANOVER COUNTY JUDICIAL SYSTEM AND ITS OFFICIALS, AND PURSUE OTHER AVENUES OF RELIEF, SUCH AS PLAINTIFF IS NOW ATTEMPTING TO DO WITH THIS MOTION TO THE COURT.

PLAINTIFF DID INDEED ACCEPT A PLEA, SUCH PLEA BEING THAT HE THOUGHT IT WAS IN HIS BEST INTEREST AT THE TIME TO DO SO, BUT SUCH PLEA BEING MADE UNDER PRESSURE, MENTAL DURESS AND COERCION AND AGAINST THE INTENTS AND WISHES OF THE PLAINTIFF.

PLAINTIFF WAS THEN SENTENCED AND REIMANDED TO THE NORTH CAROLINA DEPARTMENT OF CORRECTION.

FOR THESE REASONS, NOW COMES PLAINTIFF AND PETITIONS THE COURT THAT HE BE HEARD, AND THAT REAL AND PUNITIVE DAMAGES IN THE AMOUNT(S) REQUESTED BE AWARDED HIM

FOR THE NUMEROUS VIOLATIONS OF HIS RIGHTS, AND THE SUBSEQUENT IMPRISONMENT, SUFFERING AND LOSS OF REAL PROPERTIES CAUSED BY THESE VIOLATIONS.

IN ADDITION, THE PLAINTIFF, BEING INCARCERATED AND WITHOUT EMPLOYMENT, FURTHER REQUESTS THAT THE COURT FIND HIM INDIGENT, AND ALLOW HIM TO PROCEED IN THIS ACTION IN PAUPERIS, AND FOR THE COURT TO SEE THAT HE IS ALLOWED TO ATTEND ANY AND ALL SUBSEQUENT HEARINGS IF THIS MOTION IS ALLOWED TO PROCEED.

SUMMARY

PLAINTIFF CLAIMS THAT THE ACTIONS OF OFFICERS OF THE NEW HANOVER COUNTY SHERIFF'S DEPARTMENT, AND ACTIONS OF THE OFFICIALS OF THE STATE OF NORTH CAROLINA AND NEW HANOVER COUNTY LISTED IN THIS MOTION, DID INDEED DEPRIVE PLAINTIFF OF HIS RIGHTS, BOTH LEGAL AND CONSTITUTIONAL.

THESE VIOLATIONS, INCLUDING ILLEGAL SEARCH AND SEIZURE, FAILING TO COMPLY WITH MIRANDA, FAILING TO INFORM PLAINTIFF OF HIS MIRANDA RIGHTS, DENIAL OF COUNSEL WHILE BEING QUESTIONED AND DURING SEARCH OF PLAINTIFF'S PROPERTY, INVASION OF PRIVACY, FRAUDULENT MANUFACTURE OF EVIDENCE, AND REFUSAL OF REASONABLE BOND, WERE ILLEGAL AND IN DIRECT AND BLATANT DISREGARD TO THE CONSTITUTIONAL RIGHTS OF THE PLAINTIFF.

THESE VIOLATIONS WERE MADE KNOWINGLY AND WILFULLY BY THE PARTIES LISTED, AND LED DIRECTLY TO, AND WERE THE SOLE REASON FOR, THE IMPRISONMENT OF THE PLAINTIFF.

HAD THESE VIOLATIONS NOT OCCURED, IT IS THE ARGUMENT OF THE PLAINTIFF, THAT NO SUCH IMPRISONMENT WOULD HAVE TAKEN PLACE, AND THEREFORE PLAINTIFF WOULD NOT HAVE SUFFERED SUCH IMPRISONMENT, NOR SUCH DAMAGES AS ASSOCIATED WITH SAID IMPRISONMENT, SUCH

HIS MENTAL AND PHYSICAL SUFFERING AND
DURESS, LOSS OF PERSONAL AND REAL PROPERTY,
AND RELATED LOSS OF INCOME, LIBERTY AND
PURSUIT OF HAPPINESS.

FOR THIS REASON, THE PLAINTIFF COMES
FORTH, AND PRAYS THE COURT GRANT HIS MOTION /
PETITION, AND AWARDS THE PLAINTIFF DAMAGES
SOUGHT IN THE AMOUNT(S) LISTED.

SIGNED THIS 26TH DAY OF DECEMBER 2013 :

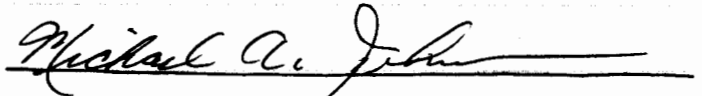


SIGNATURE OF PLAINTIFF

I DECLARE UNDER PENALTY OF PERJURY THAT THE
FOREGOING IS TRUE AND CORRECT.

12/26/13

DATE



SIGNATURE OF PLAINTIFF